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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,246	11/14/2001	Yoshihiro Miyamoto	Q67253	6833

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2621

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,246

Applicant(s)

MIYAMOTO, YOSHIHIRO

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 06/12/2006, have been entered and made of record. Claims 1-10 are pending.

Response to Arguments

2. Applicant's arguments filed 06/12/2006 have been fully considered but they are not persuasive.

In re page 8, the Applicant states that the cited reference of Sakamoto fails to disclose a selection means for selection of encoding moving picture data stored in a first storage means and re-encoded data stored in a second storage means for each picture frame.

In response, the Examiner respectfully disagrees. Sakamoto discloses the original video frames are encoded using both the intra-frame and inter-frame (see col. 8 lines 30-34). Sakamoto further discloses a second encoder 6 encodes each decoded video frame by the second video coding scheme using only the intra-frame coding (see col. 7 lines 29-34). Sakamoto further discloses encoding every video frame decoded by the second video coding scheme using only intra-frame coding to obtain the fast playback coded video data (see claim 22). Sakamoto further discloses selectively encoding each video frame in every N frames of the original video data by a second video coding scheme (see claim 7).

Note to the Applicant: The USPTO considers the Applicant's "One of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

The examiner believes that the claimed invention does in fact read on the cited reference for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made Final.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakamoto (US Pat. No. 5,887,110).

Regarding claim 1, Sakamoto discloses an encoded moving picture data conversion device for converting encoded moving picture data compression-encoded by using inter-frame prediction, and for outputting converted data as encoded output data capable of being subjected to special reproducing (see abstract, col. 6 lines 62-67 and claim 1), the device comprising:

first storage means for storing said inputted encoded moving picture data (see col. 7 lines 35-52 and claim 21 (1 and 3) and claim 24));

decoding means for decoding said inputted encoded moving picture 10 data to decoded data (see col. 7 lines 1-8 and claim 1 (b));

re-encoding means for re-encoding said decoded data of a picture frame in a moving picture sequence, in an intra-frame encoding mode in order to generate intra-frame re-encoded data (see col. 7 lines 8-20 and claim 14);

second storage means for storing re-encoded data, said re-encoded data including said intra-frame re-encoded data (see col. 7 lines 35-52 and claim 21 (2 and 30 and claim 24); and

selection means for selecting one of said encoded moving picture data stored in said first storage means and said re-encoded data stored in said second storage means for each picture frame, and for outputting the selected data as said encoded output data capable of being subjected to said special reproducing (see col. 8 lines 30-42 and claim 7).

Regarding claim 2, Sakamoto discloses re-encoding means comprises:

means for re-encoding said decoded data of picture frames as many as J following after the picture frame re-encoded in the intra-frame encoding mode, by using inter-frame prediction in order to generate inter-frame re-encoded data, where J is an integer greater than zero (see col. 7 lines 21-34, fig. 7 and 8, and claim 1);

means for measuring a picture quality of re-encoded picture frames, said re-encoded picture frames including the intra-frame re-encoded picture frame and one or more inter-frame re-encoded picture frames (see col. 8 lines 10-26 and col. 11 line 56-col. 12 line 3); and

means for controlling a value of said J in accordance with said picture quality (see col. 8 lines 43-56), and

wherein said selection means comprises means for, if selecting said intra-frame re-encoded data, also selecting said inter-frame re-encoded data of the picture frames as many as J following after said intra-frame re-encoded data (see col. 8 lines 1-9 and 31-42, and col. 10 lines 49-57).

Regarding claim 3, Sakamoto discloses re-encoding means comprises.

means for skipping picture frames as many as (K-1) after the intra-frame re-encoded picture frame, where K is an integer greater than one (see col. 7 lines 21-34, and col. 11 line 56-col. 12 line 3);

means for re-encoding said decoded data of a picture frame after K frames from said intra-frame re-encoded picture frame, by using inter-frame prediction with reference to said intra-frame re-encoded picture frame in order to generate inter-frame re-encoded data (see col. 8 lines 43-63);

means for calculating the number of frames constituted of said input encoded moving picture data corresponding to said intra-frame re-encoded data in code amount (see col. 8 lines 1-26); and

means for controlling a value of said K in accordance with the number of frames calculated (see col. 8 lines 27-42), and

wherein said selection means comprises means for, if selecting said intra-frame re-encoded data, skipping the frames as many as (K-1) following after said intra-frame re-encoded picture frame, and for selecting said inter-frame re-encoded data after the K frames from said intra-frame re-encoded picture frame (see col. 10 lines 8-28).

Regarding claim 4, Sakamoto discloses re-encoding means comprises means for re-encoding said decoded data of frames at L-frame intervals in an intra-frame encoding mode generate intra-frame re-encoded data, in such a way that re-encoded data in each frame occupy at least a part of the frame and re-encoded data gathered from frames as many as M cover an entire frame area, where L is an integer greater than one and M is an integer greater than one (see col. 12 lines 4-34), and

wherein said selection means comprises means for selecting only said intra-frame re-encoded data in response to a high-speed reproducing request, and for outputting said selected

re-encoded data as said encoded data capable of being subjected to said special reproducing (see col. 12 line 59-col. 13 line 9).

Method claims 5-8 are rejected for the same reason as discussed in claims 1-4 above.

Regarding claim 9, Sakamoto discloses an encoded moving picture data conversion apparatus for converting encoded moving picture data compressed encoded by using inter-frame prediction to converted data, the apparatus comprising (see rejection of claim 1):

decoding means for decoding said inputted encoded moving picture data to obtain decoded data (see rejection of claim 1);

re-encoding means for re-encoding said decoded data at an intra-frame encoding mode in order to generate intra-frame re-encoded data (see rejection of claim 1);

replacing means for replacing a portion of said inputted encoded moving picture data by said re-encoded data, for outputting the replaced data as said converted data (see claims 1 (c) and claim 4, the inputted data is re-encoded to obtain fast playback coded video data satisfying a fast playback bit rate).

Regarding claim 10, the limitation of claim 10 can be found in claim 9. Therefore claim 10 is analyzed and rejected for the same reason as discussed in claim 9 above.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

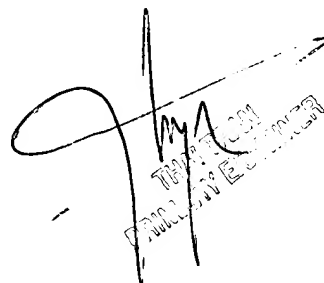
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
August 7, 2006

A handwritten signature in black ink is written over a circular official stamp. The signature is stylized and appears to read 'Helen Shibru'. The stamp is partially obscured by the signature but contains some text, including 'Patent' and 'Examiner'.